

October 2017

Dear ,

On Sept. 28, the U.S. Supreme Court in Washington, D.C., spoke—and 2,700 miles away, in our beloved home state of Washington, the government unions trembled, cursed and cowered. A Judgment Day is coming very soon.

You see, the High Court agreed to hear the case of one Mark Janus, a child-support specialist in Illinois. Mr. Janus pays mandatory monthly dues to the American Federation of State, County and Municipal Employees (AFSCME)—very much against his will. Unhappy with both the compulsory nature of the dues and the purposes to which the union put those dues, Mr. Janus filed a lawsuit.

To the horror and dismay of government unions across the country, the Supreme Court is taking up *Janus v. AFSCME* this term. As a result, **we may well be on the verge of an historic victory over government unions**—and now is the time to put ourselves into position to make the most of this incredible opportunity.

You and I and the Freedom Foundation had better be ready. Chances like this don't come around every day—or even every decade.

We expect to win this one, which is why the government unions and the politicians whose campaigns they so lavishly subsidize are in full panic mode.

Last year, the U.S. Supreme Court was hearing a similar case, *Friedrichs v. California Teachers Association*, when Justice Antonin Scalia died unexpectedly. In his absence, the court was split, 4-4. Therefore, an earlier decision by the 9th Circuit Court of Appeals in favor of the teachers' union stood.

Mandatory union dues for public employees were saved by this hung jury. . . temporarily.

But we saw an opening—and took it. The Freedom Foundation joined with Rebecca Friedrichs, lead plaintiff in the split-decision case, to write an *amicus* brief urging the U.S. Supreme Court to hear the *Janus* case. On Sept. 28, we got our wish. **The issue of mandatory**

unionism for public employees is going to be decided once and for all.

The addition of new Supreme Court Justice Neil Gorsuch as the decisive vote has observers expecting what the *Los Angeles Times* calls “a costly setback for public-sector unions” in the 22 states that permit mandatory union dues.

The unions are scared—and with good reason.

The court's announcement that it will hear *Janus v. AFSCME* was momentous. A decision for Mark Janus will overturn the 1977 Supreme Court ruling in *Abood v. Detroit Board of Education* that upheld mandatory dues for public employees.

If Janus wins, public employees across the country will have the *choice* of whether or not to join a union and pay dues. Given this choice—and, most importantly, being *informed* that they have a choice—millions of such workers will opt out. The campaign and PAC war chests of the government unions, which like to throw their weight around and play the part of the obnoxious bully who always gets his way, will dwindle. Unions like AFSCME will howl with outrage. No longer will their campaign contributions—which some might call a euphemism for bribes—be an overwhelming factor in so many political races.

As I said, this is—this *can be*—huge.

But a lot is going to depend on us.

When the court's decision comes down sometime in the first half of 2018, the panicked government unions in Washington are going to adopt what we might call the Simon and Garfunkel strategy: *The Sound of Silence*.

They are going to fight this tooth and nail—but in hushed voices. If they get their way, the fight will be conducted far below the radar. No one will know about it. Because if there's one thing that terrifies public-sector unions, it's a vision of employees knowing their rights—and exercising them.

We've got to be ready for this. If and when Justice Gorsuch gives the side of freedom the fifth vote, and mandatory public-sector union dues are tossed onto the scrap heap of failed Big Government schemes, **it will be our job—a job we undertake with great pleasure—to let employees know their rights.**

You can be sure the unions and the state government in Olympia won't do it.

So we are gearing up in a major way to launch an extensive education and activation campaign to take full advantage of a favorable ruling in this historic case.

It's no exaggeration to say this is one of the biggest First Amendment and labor relations cases of the 21st century. The consequences of a favorable ruling are huge. Imagine tens, even hundreds, of millions of dollars currently used to push damaging left-wing causes and candidates. . . vanishing.

Our free market policies in Washington and elsewhere sure would look a lot different.

There is simply no path to a freer America without the defeat of left-wing government unions. Their funding and their ground troops are major factors sustaining the Left as a political force in our country today, and we will never achieve meaningful reforms to restore our liberties and reduce overgrown government and confiscatory taxes until we cut them down to size.

We've been pointing toward this moment for our entire existence.

You know our record. To date, we have:

- freed more than 21,000 people on the West Coast who were trapped in a union against their will;
- decimated Washington's out-of-control radical SEIU 925's membership by more than two-thirds; and,
- blown a gaping hole in union warships by costing the Service Employees International Union alone more than \$18 million

If the U.S. Supreme Court rules in *Janus v. AFSCME* as everyone expects it to, these numbers will grow by orders of magnitude.

A favorable ruling would uphold the right of any government employee to leave the union and not pay dues to the union bosses as a condition of their employment.

The Supreme Court has been chipping away at the undue influence of government unions in recent years, most notably in its 2014 *Harris vs. Quinn* ruling. This case upheld the right of caregivers receiving government funds to caring for a disabled loved one to not join a union.

The *Harris* ruling applied to about 500,000 people nationwide—a big population that represents about \$250 million in union dues per year.

That's a big deal, but *Janus* is even bigger. It would apply to the entire civilian government

workforce, which totals about 20 million people nationwide at all levels of government.

That should take government unions out of the game for good—yet we know the unions won't go away without a fight. They won't go away even with a fight. They won't go away until we drive the proverbial stake through their hearts and finish them off for good.

If they are informed of their rights, millions of workers nationwide will jump at the chance to stop sending mandatory dues to unions that then turn around and use those dues to promote radical left-wing policies.

Yet unions will do everything in their power to keep members from learning of their rights. Here in the Pacific Northwest, the unions have gone to court...called in favors from the elected officials they put in office...and in one case (SEIU 503 in Oregon) even dissolved their corporation status to prevent caregivers from learning their rights.

All this will look like child's play if the Supreme Court rules favorably in *Janus*.

***Janus* represents perhaps the best opportunity in our lifetimes to roll back the size and scope of government and rid the political system of corrupt union influence for good.**

Government unions care about one thing—bigger government, run by them and funded by taxpayers like you and me. In states like Washington, they have captured the political process with their massive campaign spending and pushed consistently for a larger and more expensive government workforce—leaving people like you and me not only holding the bill, but without a voice in the matter.

We are very confident that the Supreme Court is about to rule that illegal on a national scale—but that will just be the beginning.

As the *Harris* decision has reminded us so dramatically, Supreme Court rulings do not enforce themselves, especially when the losers have a vested interest in it not being enforced.

That's why the Freedom Foundation is preparing now for a favorable ruling in the *Janus* case.

Before the ruling even comes down, we must begin reaching out to government employees to let them know their rights. No other group is better prepared and positioned to do this than the Freedom Foundation.

To that end, the Freedom Foundation recently acquired a list of more than 300,000

government union members—at the state, county and municipal levels—in Washington. This is like a prospector locating a vein of gold.

We are immediately launching an effort consisting of the same potent mix of grassroots activity, sophisticated marketing, and litigation that has been proven so effective in freeing union members from SEIU. We know that a substantial number of these 300,000 men and women would prefer to keep their money rather than have it spent by SEIU on its pet causes.

The unions are flipping out over all this. . . as well they should. A day of reckoning is on the way.

The Supreme Court is about to hand us the opportunity of a lifetime—and we are going to be ready for it. Your tax-deductible contribution today of \$50, \$100, \$150, or whatever your means allow will enable the Freedom Foundation to take a major step in the noble task of overturning decades of union domination of Washington politics. With your help, we can strike a major blow for liberty and fiscal responsibility.

Your friendship is deeply appreciated. On behalf of the entire Freedom Foundation team, I thank you for your steadfast support and look forward to incredible victories to come.

For freedom,



Tom McCabe
Chief Executive Officer

P.S. *Janus v. AFSCME* promises to be an epochal case in labor and First Amendment law. The day the ruling is handed down, we have to get to be ready to take advantage of the expected 5-4 decision for freedom. It's up to us to counter the unions' *Sound of Silence* with the sweet beautiful music of freedom.

P.P.S. Your contribution today of \$50, \$100, \$150, or whatever you can afford is crucial to our efforts to end the undue influence of government unions. Thank you.

The Opportunity of a Lifetime

Janus v. AFSCME promises to be an epochal case in labor and First Amendment law. The day the ruling is handed down, we must be ready to take advantage of the expected 5-4 decision for freedom. But getting lawless union bosses to obey the decision will be a completely different matter, and that's when the real work begins.

and we are going to be ready for it!

Your tax-deductible contribution today of

- ☐ \$150 ☐ \$100
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or whatever you can afford is crucial to our efforts to end the undue influence of government unions.

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